



Austin City Council MINUTES For March 15, 1990

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers.

MINUTES APPROVED

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, approved minutes for regular meeting of March 8, 1990. (4-0 Vote, Councilmembers Urdy and Humphrey and Mayor Pro Tem Shipman out of the room.)

CITIZEN COMMUNICATIONS

Sam Griswold discussed aviation related topics. Tim Jones had ecological concerns and advice on appropriate action and the status of investigations. Lance Winters and Maria F. Rocha discussed employee relations and personnel issues. Margaret Hofmann gave her views on economic conversion. Lori Renteria talked about general items. Ray Parker discussed youth basketball funding. Patrick J. Sullivan, P.E., told of his experience with a retaining wall at 2615 San Pedro. Bert Kruger Smith extended an invitation to participate in the Senator's Run on March 24, 1990, from 12 Noon to 3:00 P.M. at the State Capitol.

BUDGET AMENDMENT - EMERGENCY SHELTER GRANT

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, waived the requirement for three readings and finally passed an ordinance amending the 1989-90 Health and Human Services Department (HHSD) Operating Budget by increasing expenditures and expense refunds by \$78,000.00 to provide for reimbursement of expenditures made by HHSD related to the FY 1989 U.S. Department of Housing and Urban Development (HUD) Emergency Shelter Grant (ESG) awarded in August, 1989. (6-0 Vote, Councilmember Urdy out of the room.)

CONSENT RESOLUTIONS

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, adopted the following resolutions all in one consent motion: (7-0 Vote)

Grant Applications

Authorized application for a grant from the State of Texas, Governor's Office, Criminal Justice Division to fund the Regional Anti-Drug Abuse Task Force of the Police Department. (Grant request: \$804,885, required City match: \$269,155 of which \$228,155 is seized drug funds and \$41,000 cash match)

Authorized application for a grant from the State of Texas, Governor's

Office, Criminal Justice Division to fund a Narcotic Interdiction Unit for the Police Department. (Grant request: \$655,255.00, required City Match \$220,439.00) The City match has not been identified.

U.S. Highway 183

Authorized the filing of Eminent Domain Proceedings to acquire title to 11,028 square feet of land and a wastewater easement containing 1,495 square feet of land out of the James P. Wallace Survey No. 57 and the Shindler-Cummins Subdivision in Austin, Texas, owned by Massachusetts Mutual Life Insurance Company for the U.S. Highway 183 Expansion Project.

Authorized the filing of Eminent Domain Proceedings to acquire title to 0.400 acre (17,432 square feet) of land out of the Henry Rhodes Survey, Abstract No. 522 in Williamson County, Texas, owned by George M. Blackburn, Jr., for the U.S. Highway 183 Improvement Project.

Authorized filing of Eminent Domain Proceedings to acquire title to 0.327 acre of land out of the James Rogers Survey No. 19, Abstract No. 659 and out of Lot 1, F.V.F. Addition Section Six Subdivision in Austin, Travis County, Texas, owned by Miller Bros.; a water and wastewater easement containing 1,480 square feet of land out of the same tract; title to the main building located partially on this land and partially on the remaining property of which said 0.327 acre tract was originally a portion; and a temporary right to enter upon the remaining property in order to remove the building for the U.S. Highway 183 Improvement Project.

Authorized the filing of Eminent Domain Proceedings to acquire title to 0.39 acre of land and a Waterline Easement containing 268 square feet of land out of the James Rogers Survey No. 19, Abstract No. 659 and Lot 2 of the Bradford Addition, a subdivision in Austin, Travis County, Texas, owned by Commonwealth Savings Association for the U.S. Highway 183 Expansion Project.

Authorized the filing of Eminent Domain Proceedings to acquire title to 0.394 acre of land and a waterline easement containing 2,871 square feet of land out of the James Rogers Survey, Abstract No. 19 in Austin, Travis County, Texas, owned by Commonwealth Savings Association for the U.S. Highway 183 Improvement Project.

Authorized the filing of Eminent Domain Proceedings to acquire title to 0.080 acre of land and a Waterline Easement containing 312 square feet of land out of the James Rogers Survey No. 19, Abstract No. 659 and Lot 5 of the Bradford Addition, a Subdivision in the City of Austin, Travis County, Texas, owned by Commonwealth Savings Association for the U.S. Highway 183 Improvement Project.

Authorized the filing of Eminent Domain Proceedings to acquire title to 0.480 acre of land out of the James Rogers Survey No. 19, Abstract No. 659 and out of Lot 4 of the F.V.F. Addition, Section Six Subdivision in Austin, Travis County, Texas, owned by Vehicle Associates, Inc.; a Wastewater Easement containing 2,865 square feet of land out of the same tract; title to the masonry building and porches that are located partially on the 0.480 acre tract and partially on the remaining property of which this tract was originally a

portion; and a temporary right to enter upon the property remaining in order to remove the masonry building and porches, for the U.S. Highway 183 Improvement Project.

Eminent Domain Proceedings

Authorized the filing of Eminent Domain Proceedings to acquire an easement containing 6,876 square feet (0.158 acre) of land out of the Walker Wilson League in Austin, Travis County, Texas, owned by Glyn R. Myers for the Ford Oaks Wastewater Project, Phase I.

Authorized the filing of Eminent Domain Proceedings to acquire title to 0.310 acre of land out of the Issac Decker League in Austin, Travis County, Texas, owned by Jovita Tello for the U.S. Highway 290/SH 71 Improvement Project.

Contracts

Approved the following contracts:

Joe Balander, P.O. Box 5553, Austin, Texas, for Golf Pro Manager at Jimmy Clay Golf Course for a period of five years with the option to extend for one five year period. Awardee proposes to pay 5% of gross sales in the estimated annual amount of \$21,875.00 for a five year estimated total of \$109,375.00.

Lloyd Morrison, P.O. Box 5551, Austin, Texas, for Golf Pro Manager at Lions Municipal and Hancock Municipal Golf Courses for a period of five years with the option to extend for one five year period. Awardee proposes to pay 5% of gross sales in the estimated annual amount of \$13,168.00 for a five year period, estimated total \$65,840.00.

George Hannon, P.O. Box 1287, Austin, Texas, for Golf Pro Manager at Morris Williams Golf Course for a period of five years with the option to extend for one five year period. Awardee proposes to pay 5% of gross sales in the estimated annual amount of \$13,000.00 for a five year estimated total of \$65,000.

Rodriguez Concession, Inc., DBA/Austin Concession, Austin, Texas, for food and beverage concession operation at Kreig, Havins and Butler Softball Complexes.

Approved a new agreement with Capitol City Trap and Skeet Club to continue its operations at the northwestern corner of Walter E. Long Metropolitan Park for 15 years with one 10-year renewal option.

Approved contract awards to Hendrix GMC, Inc., Austin, Texas and to Longhorn International Equipment, Inc., Austin, Texas for the purchase of fourteen heavy truck cab and chassis to Hendrix GMC in the total amount not to exceed \$507,874.00.

Approved a twelve month supply agreement to Baker & Taylor, Commerce, Georgia, for books, not to exceed \$320,000.00. Amount included in the Austin Public Library, Central Texas Library System Grants Program.

Approved a contract award to General Medical, 10505 A. Boyer Blvd., Austin, Texas, for surgical gloves for an annual estimated cost not to exceed \$36,389.00 included in the FY 1989-90 budget for Brackenridge Hospital, and rescind a portion of a previously awarded contract to Baxter Travenol for the same five line items of surgical gloves noted herein.

Approved a twelve month supply agreement contract to Van Waters & Rogers, Inc., San Antonio, Texas, for sodium hexametaphosphate in the estimated annual dollar amount not to exceed \$147,630.00 - included in the FY 1989-90 Water and Wastewater Department budget.

Approved a construction contract award to H & H Concrete Construction Co., Inc., P.O. Box 6460, Austin, Texas, for Hilltop Acres Subdivision Water & Wastewater Improvements in the amount of \$549,886.50 - \$520,923.50 included in C.I.P. No. 443-237-0788 and \$29,963.00 included in C.I.P. No. 388-227-0778 for Department of Public Works and Transportation.

ITEM PULLED

Pulled from the agenda was an item on discussion of the Dobbs House contract.

REVIEW APPRAISAL SERVICES FOR NEW AUSTIN AIRPORT

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution awarding a contract to Milton A. Morse Jr. & Associates, Inc. for review appraisal services for the new Austin Airport land acquisition and authorized the City Manager or her designee to negotiate a professional services agreement on such terms and conditions as may be favorable, necessary or required, in an amount not-to-exceed \$625,000.00. (6-1 Vote, Councilmember Barnstone voted No.)

Prior to the vote, Council agreed this was tentative approval, the contract is to come back to Council, and if the dollar amount is too high, they will make a decision at that point.

During the March 8, 1990 Council meeting, questions had been raised concerning the time limit for appraisals. According to FAA no time limit has been established and each appraisal is taken on a case by case basis.

REGULAR ELECTION CALLED

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance calling the regular election for three Councilmembers on May 5, 1990. (6-0 Vote, Councilmember Barnstone out of the room.)

HOUSING

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance amending the City's CDBG ACORN Ordinance No. 820401-D. (Effective with FY 1989-90 15th year, Community Development Block Grant Entitlement Program) (6-1 Vote Councilmember Humphrey voted No.)

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, adopted a resolution revising the City's Affordable Housing Policy, with the exception of Section 2G, and prioritization of neighborhood areas. (6-1 Vote, Councilmember Humphrey voted No.)

{Section 2G will be brought back as a resolution for action on March 22, 1990.}

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance amending the 1989 Operating Budget by transferring \$230,695.00 from the 15th Year Community Development Block Grant (CDBG) program budget to the Department of Planning. (6-1 Vote, Councilmember Humphrey voted No.)

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, adopted a resolution to apply for and accept a grant in the amount of \$250,000.00 in Section 810 funds for an initial Urban Homesteading Program. (6-1 Vote, Councilmember Humphrey voted No.)

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance amending the 1989-90 Operating Budget by appropriating \$78,034.00 from the General Fund Contingency Reserve to the Planning and Development Department to repay the U.S. Department of Housing and Urban Development for ineligible expenditures of rental rehabilitation program funds. (5-2 Vote, Councilmember Humphrey and Mayor Pro Tem Shipman voted No.)

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, adopted a resolution canceling approximately seven hundred (700) outstanding Payment/Conditional Grants from the City's Standard Rehabilitation Program. (6-1 Vote, Councilmember Humphrey voted No.)

Friendly Amendment for All Items

Councilmember Barnstone offered a friendly amendment for all items, that the program be reviewed in one year. His friendly amendment was accepted.

PUBLIC HEARING - AUSTIN METROPOLITAN AREA ROADWAY PLAN AMENDED

Mayor Cooke opened the public hearing set for 3:30 P.M. on approval of an amendment to the Austin Metropolitan Area Roadway Plan for Heatherwilde Blvd. and Harris Ridge Blvd. Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, closed the public hearing, and approved an amendment to the Austin Metropolitan Area Roadway Plan for Heatherwilde Blvd and Harris Ridge Blvd., as recommended by staff. (6-0 Vote, Councilmember Humphrey out of the room.)

PUBLIC HEARING SET

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Urdy's second, adopted a resolution to set a public hearing to approve the Tax Abatement Reinvestment Zone Number Two for a portion of Lot 2, Block A, University Business Park for Triumph Balloon Company in accordance with Section 312.202 of the Texas Code, for March 22, 1990 at 3:15 P.M. (7-0 Vote)

WELLS BRANCH MUD

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, approved issuance by Wells Branch Municipal Utility District of Contract Refunding Bonds, Series 1990, in an amount not to exceed \$5,500,000.00 and approved the Bond Order and Preliminary Official Statement relating to the issuance. (5-1 Vote, Councilmember Barnstone voted No, Councilmember Nofziger out of the room.)

ZONING HEARINGS

Mayor Cooke announced Council would hear the following zoning cases. Council heard, closed the public hearings, and approved as follows: (5-0 Vote, Mayor Cooke and Councilmember Urdy out of the room.)

C14-90-0010 - NUECES PLAZA LTD. by Norwood Properties, 509 W. Martin Luther King Blvd., from "DMU" to "CS". EMERGENCY PASSAGE OF ORDINANCE

C14-86-140 - NUECES PLAZA LTD. by Dannenbaum Engineering, 509 W. Martin Luther King Blvd., Restrictive Covenant Amendment. EMERGENCY PASSAGE

(On Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, 5-0 Vote, Mayor Cooke and Councilmember Urdy out of the room.)

Request for Six Month Extension

C14-89-0005 - JOHN D. BYRAM, by Armbrust & Brown, MoPac Expressway South, Southwest Parkway and U.S. Highway 290 West, from "GO" "RR" to "GR". APPROVED EXTENSION

(On Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, 6-0 Vote, Councilmember Nofziger out of the room.)

PUBLIC HEARING SET

The Council, on Councilmember Barnstone's motion, Councilmember Humphrey's second, referred an amendment to the Land Development Code relating to the applications for Subdivision Plant approval to the Planning Commission, and scheduled a public hearing for the amendment before City Council on April 19, 1990 at 3:00 P.M. (5-0 Vote, Mayor Cooke and Councilmember Nofziger out of the room.)

SIXTH STREET

The Council, on Councilmember Humphrey's motion, Councilmember Barnstone's second, approved the following: (6-0 Vote. Councilmember Urdy out of the room.)

- Adopted a resolution approving the increase of police protection by the assignment of 10 additional police officers to the East 6th Street area at a cost of \$51,516.00 (funds are available in the Police patrol overtime budget), and instruct the City Manager to evaluate within the next 30 days the need for increased police protection on 6th Street on Sundays, Mondays and Tuesdays.

- Waived the requirement for three readings and finally passed an ordinance amending Chapter 9-1 to prohibit urination and/or defecation in public places or in public view.

- Adopted a resolution directing the City Manager to have the Electric Utility conduct an inventory of street and alley lighting in the East Sixth Street area and to coordinate lighting improvements with the merchants in the area.

- Adopted a resolution expressing the sense of Council concerning the assessment of sentences or repeat offenders by the Municipal Court.

Council also discussed items from the Sixth Street Subcommittee including: establishing a curfew on Sixth Street for those 16 years of age and under; an enforceable public alcohol consumption ordinance; creation of a centralized Homeless Resource Center; establishing Detoxification Program; establishing a supervised day labor location; providing additional single-room occupancy housing for the homeless, capital improvements project on Sixth Street, and cleaning of Sixth Street and Congress Avenue sidewalks.

CONVENTION CENTER AND TOURISM

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution authorizing continuation of services for the period March 15 to June 30, 1990 for ethnic/minority marketing of tourism and conventions by the Hispanic Chamber of Commerce for an estimated amount not to exceed \$38,682.34. (4-0 Vote, Mayor Cooke, Councilmembers Nofziger and Urdy out of the room.)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution authorizing continuation of services for the period March 15 to June 30, 1990 for ethnic/minority marketing of tourism and conventions by the Capital City Chamber of Commerce for an amount not to exceed \$38,682.34. (4-0 Vote, Mayor Cooke, Councilmembers Nofziger and Urdy out of the room.)

EXECUTIVE SESSION

Mayor Cooke announced Council would go into Executive Session pursuant to

Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

Review and discussion of land acquisition - Section 2, Paragraph f

- (a) U.S. Highway 183/290 Project
- (b) City Park Road

Pending Litigation - Section 2, Paragraph e

- (a) Alfredo Delgado v. City of Austin, et al. Cause No. 446,881

RECESS

Council recessed its meeting from 6:27 to 6:44 P.M.

REAL PROPERTY ACQUISITION

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, adopted resolutions authorizing real property acquisitions for: (7-0 Vote)

- (a) City Park Road
- (b) Authorize City of Austin participation with the State of Texas in real property acquisition for the U.S. 183/290 projects

LAWSUIT SETTLEMENT

The Council, on Councilmember Barnstone's motion, Councilmember Carl-Mitchell's second, approved settlement of lawsuit styled Alfredo Delgado v. City of Austin, et al Cause No. 446, 881. (7-0 Vote)

CITIZEN COMMUNICATIONS

At the close of the meeting the following people spoke: Dave Elliot, Chip Harris, Sue Shorr and Richard Shields.

ADJOURNMENT

Council adjourned its meeting at 7:00 P.M.